

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

At the outset, Applicants wish to address the showing required by 37 CFR § 1.116(b) as to why the amendments above are necessary and were not presented earlier. In response, Applicants point out that each of the amendments above is responsive, as will be explained in greater detail below, to new points made by the Examiner for the first time in the final rejection. Therefore, this amendment clearly is necessary. Further, since this is the first substantive response to the final rejection, obviously these amendments could not have been presented earlier. In view of the foregoing, Applicants respectfully submit that a suitable showing has been made. Therefore, Applicants respectfully request that the Examiner enter and consider these amendments.

Claim 1 is amended to make clear that the PSA comprises polyacrylate and a filler. Support for this amendment can be found in paragraph [0008] of US 2006/0205835, which is the publication of the instant application.

In addition, claim 1 is amended without prejudice to require that the filler comprises particles of silicate and/or silica gel, wherein the particles also have a coating of polyacrylate chemically bonded to the silicate and/or silica gel. This amendment is support by, for example, paragraphs [0019] and [0065] of US 2006/0205835.

Finally, claim 9 is amended to be dependent on claim 1.

Applicants respectfully submit that these amendments do not introduce new matter. An early notice to that effect is earnestly solicited.

Finally, since Applicants' amendment to claim 1 to require "chemical bonding" of the polyacrylate coat to the silicate and/or silica gel was reasonably foreseeable, particularly in view of the Examiner's inherency position, these amendments should not be considered as raising new issues or requiring further search or examination. In short, Applicants respectfully request that the Examiner enter and consider these amendments now.

Claim 9 was rejected under 35 USC § 112, second paragraph, as being indefinite. In response, as noted above, Applicants have amended claim 9 to be dependent on claim 1.

Claims 1, 2, 4, 5, 7, 9-17, 19 and 20 were rejected under 35 USC § 103(a) as being obvious over Schmidt et al. ("Schmidt"), US 5,910,522.

Claims 1, 2, 4-7, 9-17, 19 and 20 were rejected under 35 USC § 103(a) as being obvious over Husemann et al. ("Husemann"), US 6,958,186, in view of Schmidt.

Claim 3 was rejected under 35 USC § 103(a) as being obvious over Schmidt as evidenced by Knovel, *Knovel Critical Tables* (2003).

In response to *all three* obviousness rejections, Applicants point out that the Examiner concedes in the fourth paragraph on page 4 and in the second paragraph on page 6 that Schmidt and Husemann, respectively, do not expressly teach coating of the filler with polyacrylate. However, the Examiner takes the position that since the surface of the filler is in contact with the initiator and polymerizable monomer, photocuring would lead to the formation of a polyacrylate coating on the filler surface.

In order to advance the prosecution, Applicants have specified in main claim 1 that the polyacrylate coating on the silicate and/or silica gel is “chemically bonded” to the silicate and/or silica gel. It is not necessarily the case, and, therefore, not inherent, that the Examiner’s theory of coating formation, even if true, would lead to polyacrylate chemically bonded to silicate and/or silica gel, as required by the instant claims.

In view of the foregoing, Applicants respectfully submit that the Examiner would be fully justified to reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is earnestly solicited.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By /Kurt G. Briscoe/
Kurt G. Briscoe
Attorney for Applicant(s)
Reg. No. 33,141
875 Third Avenue - 18th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844